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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA, : Case No. 1:11 CR 060 TC
Plaintiff, : UNITED STATES MOTION TO
v. : DETERMINE COMPETENCY OF
Defendant. : DEFENDANT
: MAGISTRATE JUDGE SAMUEL ALBA
:

The United States, by and through the undersigned Assistant United States Attorney, files this Motion to Determine Competency of the Defendant pursuant to 18 U.S.C. § 4241(a).

On May 12, 2010, this matter came on for initial appearance before Magistrate Judge Samuel Alba. During that usually perfunctory proceeding, the defendant exhibited behavior and professed statements that concerned the Court, such as: (1) refusing to stand when ordered to do so, which led to U.S. Marshal intervention; (2) refusing attorney appointment; (3) refusing to state his name or acknowledge his identity; (4) stating that he did not understand who the judge was; (5) stating that he did not understand what the indictment was; (6) and stating that he did

not understand how he was brought to the “meeting,” claiming that he was kidnaped from his home that morning even though the Court made findings in the defendant’s presence that federal agents has served a duly authorized arrest warrant. Based upon this behavior and statements, as well as other factors apparent during the hearing, the Court found that the defendant’s ability to appreciate and comprehend the proceedings satisfactorily was in question. In turn, the Court instructed the United States to make a motion for a competency evaluation where the defendant’s conduct in court provides “reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a).

Based on the facts of the case and upon other information and good faith belief, the United States respectfully requests, pursuant to 18 U.S.C. § 4241(b), that the Court order that a psychiatric or psychological examination of the defendant be conducted under the direction of the United States Bureau of Prisons, and that a psychiatric or psychological report be filed with this Court pursuant to the provisions of 18 U.S.C. § 4247(b) and (c).

RESPECTFULLY SUBMITTED this ____ day of May, 2011.

CARLIE CHRISTENSEN
United States Attorney

John W. Huber
Assistant United States Attorney